IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

OP.No. 14808 of 1996(K)

PETITIONER:

SHAJI MATHEW, PANDAMPADATHIL HOUSE,
VAYALA P.O., ELAKKAD VILLAGE, KOTTAYAM.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR

RESPONDENTS:

1. UNION OF INIDA, REPRESENTED BY ITS SECRETARY, MINISTRY OF ENVIRONMENT AND FORESTS, PARYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD, NEW DELHI – 110003.

2. CENTRAL POLLUTION CONTROL BOARD, PARYAVARAN BHAVAN, NEW DELHI – 110032, REPRESENTED BY ITS CHAIRMAN.

3. KERALA STATE POLLUTION CONTROL BOARD, PLAMOOD, PATTAM PALACE P.O., TRIVANDRUM REPRESENTED BY ITS SECRETARY.

4. THE STATE OF KERALA, DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT, SECRETARIAT, TRIVANDRUM.

5. SUNNY THOMAS, PALAKKAD THOTTATHIL HOUSE, VAYALA P.O., KOTTAYAM.

6. KADAPLAMATTOM GRAMA PANCHAYAT, KADAPLAMATTOM P.O., KOTTAYAM, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
SRI.M.POLY MATHAI
SRI.P.G.PARAMESWARA PANICKER
SRI.K.V.GOPINATHAN NAIR
SRI.K.L.JOSEPH
ADDL.CENTRAL GOVT.STANDING COUNSEL
SRI.K.C.CHARLES
SRI.T.SANJAY, ADDL.CGSC
R4 BY G.P.SRI.P.A.SALIM

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.26208 OF 1996 IN O.P.NO.14808 OF 1996

DISMISSED

SD/- J.B.KOSHY,JUDGE

19.12.2006 SD/-K.PADMANABHAN NAIR,JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF MASS PETITION FILED BY T.J.THOMAS AND OTHERS BEFORE THE PANCHAYAT COMMITTEE DATED 29.7.1995.

EXT.P2: COPY OF RESOLUTION DATED 21.10.1995 OF THE KADAPLAMATTOM PANCHAYAT.

EXT.P3: OPY OF RESOLUTION DATED 27.3.1996 OF THE PANCHAYAT.

EXT.P4: COPY OF PROCEEDINGS OF THE CHAIRMAN, GREEN CHANNEL COMMITTEE DATED 15.6.1996.

EXT.P5: COPY OF RESOLUTION DATED 10.7.1996 OF THE KADAPLAMATTOM PANCHAYAT.

EXT.P6: COPY OF NO OBJECTION CERTIFICATE DATED 18.9.1995 OF THE STATE POLLUTION CONTROL BOARD.

EXT.P7: COPY OF ORDER NO.PCB/T1/17/80 DATED 26.10.1991 OF THE STATE POLLUTION CONTROL BOARD.

EXT.P8: COPY OF PHOTOGRAPH OF THE SITE AND THE BUILDING.

EXT.P9: COPY OF LETTER DATED 21.11.1996 ISSUED BY KADAPLAMATTOM GRAMA PANCHAYAT.

EXT.P10: COPY OF MASS PETITION FILED BY THE NEIGHBOURS BEFORE THE PANCHAYAT DATED 18.11.1996.

EXT.P11: COPY OF PHOTOGRAPH OF THE DHARMA ORGANISED AGAINST THE ESTABLISHING OF THE PRESENT CRUSHER UNIT.

RESPONDENTS' EXHIBITS:

EXT.R6(a): TRUE PHOTOSTAT COPY OF COMPLAINT DATED 6.3.1996 SUBMITTED BY THRESYAMMA BEFORE THE 6TH RESPONDENT PANCHAYATH.

O.P.14808/1996

EXT.R6(b): TRUE PHOTOSTAT COPY OF ENQUIRY REPORT OF THE PRESIDENT, KADAPLAMATTOM PANCHAYATH DATED 26.3.1996.

// TRUE COPY //

TKS

J.B. KOSHY & K.PADMANABHAN NAIR, JJ.

O.P. No. 14808 of 1996K

Dated this the 19th day of December, 2006

Judgment

Koshy,J.

This original petition is filed for cancellation of Ext.P6 no objection certificate contending that stone crushing unit of fifth respondent is creating pollution. The original petition was filed in 1996. Various petitions were pending before the statutory authorities. Fifth respondent also filed writ petition. Therefore, if there is any subsisting disputes and further pollution problem, petitioner can approach the statutory authorities including the Pollution Control Board for redressal of his grievance.

With that direction, this original petition is disposed of.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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